Swiss-Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons

SHORT VERSION

BULGARIAN-SWISS JOINT EFFORTS TO PROVIDE IMMEDIATE AND UNCONDITIONAL PROTECTION OF TRAFFICKED PERSONS AND PREVENT TRAFFICKING IN HUMAN BEINGS

SUPPORTED BY A GRANT FROM SWITZERLAND THROUGH THE THEMATIC FUND SECURITY

SWISS-BULGARIAN COOPERATION PROGRAMME
ШВЕЙЦАРСКО-БЪЛГАРСКА ПРОГРАМА ЗА СЪТРУДНИЧЕСТВО

ФОНДАЦИЯ АСОЦИАЦИЯ АНИМУС

FIZ
Advocacy and support for migrant women and victims of trafficking

ANTI-TRAFFICKING INSTITUTIONAL FRAMEWORK

Switzerland

FEDERAL LEVEL

Unit Trafficking in Human Beings and Migrant Smuggling at the Federal Office of Police **(fedpol)**	Responsible for the exchange of police intelligence at national and international level. Supports the cantonal police authorities and coordinates investigations with international police authorities.
Federal Office of Police (fedpol) Swiss Coordination Unit against Trafficking in Persons and Smuggling of Migrants (KSMM)	Defines national concepts and coordinates the activities of all competent authorities and public agencies involved in the fight against human trafficking and migrant smuggling
State Secretariat for Migration (SEM)	Has final responsibility for matters covered by Swiss legislation on foreign nationals and provides federal return and reintegration assistance.
International Organisation for Migration in Switzerland (IOM Bern)	Implements the specialised federal return and reintegration assistance for victims and witnesses of trafficking, mandated by SEM.

CANTONAL LEVEL

Cantonal Roundtables	Coordinate the anti-trafficking activities of different actors such as police, public prosecutors, migration authorities, and specialised non-governmental organisations.
Specialised Non-Governmental Organisations	Provide comprehensive services in support of trafficked persons including crisis intervention, safe accommodation, psychosocial and legal support.
Victim's Help	Finances and arranges for the assistance of victims of crimes, through victims counselling centres and specialised NGOs, based on the Swiss Federal Act on Assistance to Victims of Crime.
Social Assistance Services	Cantonal and communal Social Assistance Services are responsible for granting social and economic reintegration to victims of human trafficking with a legal status in Switzerland.
Child and Adult Protection Services (KESB)	Responsible for granting the necessary protection or guardianship to minors or mentally and psychologically impaired persons.
Child and Adult Protection Services (KESB)	Provide return counselling and prepare the application for return assistance to the State Secretariat for Migration.

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Bulgaria

National Commission for Combating Trafficking in Human Beings (NCCTHB)	A college body within the Council of Ministers coordinating the National Referral Mechanism and work of institutions on combating human trafficking and supporting the victims. Manages eight specialised services for victims via NGOs.
Local Commissions for Combating Trafficking in Human Beings	Established under the umbrella of the NCCTHB in ten municipalities in the country. Responsible for the implementation of national anti-trafficking policy on local level.
Ministry of the Interior	Identifies, prevents, counteracts, detects, and investigates cases of trafficking. There are special anti-trafficking sectors in the Directorates-General Combating Organized Crime and Border Police.
Ministry of Foreign Affairs	Identifies trafficked persons and supports their return through diplomatic and consular representations in destination countries.
Ministry of Labour and Social Policy	The Social Assistance Agency provides methodological support in rendering social services. The Employment Agency and the General Labour Inspectorate prevent trafficking for labour exploitation.
State Agency for Child Protection	Reintegrates child victims of trafficking and coordinates the implementation of the *"Coordination mechanism for referral, care and protection of unaccompanied Bulgarian children and children, victims of trafficking returning from abroad".*
Prosecution Office	Investigates cases of trafficking. When an organised crime group is involved, the investigation is conducted by the Specialised Prosecution Office.
International Organization for Migration in Bulgaria	Provides for the safe return of trafficked persons and runs different programs for short-term and long-term assistance.
Non-Governmental Organisations	Provide all services for support and reintegration of trafficked persons such as crisis intervention, psychological and social support, accommodation, legal counselling, etc.

BULGARIAN VICTIMS OF TRAFFICKING IN SWITZERLAND – SUPPORT AND RIGHTS

1. Identification of Bulgarian victims of trafficking in Switzerland

The identification of trafficked persons is a **multi-layered and time-consuming process.** It involves various professionals who are able to read initial signs that a person could be a victim of trafficking and work together closely in order to facilitate access to support and protection. Bulgarian victims are mainly detected in brothels or while engaging in street prostitution, in hospitals and shelters, at information and registration desks, at borders and embassies, on construction sites and in other work sectors.

In order to identify a trafficked person, knowledge of the three components, which collectively define trafficking in human beings, is required.

I. Action	II. Means	III. Purpose
Recruitment, Transportation, Transfer, Harbouring, Reception of persons, Exchange or transfer of control over those persons	Threat, Use of force, Coercion, Deception, Fraud, Abduction, Abuse of power or of a position of vulnerability	Sexual exploitation (often in prostitution), Forced labour, Slavery, Servitude, Removal of organs

Attention should be paid to especially vulnerable groups such as migrant workers, minors, sex workers with restricted work or residence permits, or workers in low paid and/or low regulated labour sectors such as care, construction, gastronomy and private households. Trafficked persons from Bulgaria often belong to minority groups (such as Roma or ethnic Turks).

Victim's Note!

A proactive approach in identifying victims of trafficking is very important. Victims of trafficking rarely recognise themselves as such. Instead, when they confide in a third person, they may mention inflated debts that do not decrease, tasks they do not want to fulfil or small deceptions, humiliations or blackmail against themselves or their children.

The main actors in identifying trafficked persons are **law enforcement authorities,** in particular specialised non-repressive police units as well as **specialised NGOs.**

2. Support to Bulgarian victims of trafficking regardless of their cooperation with law enforcement authorities

A) RESIDENCE PERMITS

Residence status and access to victims' rights are closely linked in Switzerland. Trafficked persons are not automatically entitled to a residence permit. The residence status they receive determines to what extent a victim can effectively benefit from Swiss Victim's Help. Residence is regulated in the **Swiss Foreign Nationals Act.**

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Recovery and reflection period - All victims of trafficking are entitled to stay in Switzerland for a **minimum of 30 days.** This recovery and reflection period is granted by **cantonal migration authorities** and gives trafficked persons time to begin to recover, and make an informed decision about whether to cooperate with law enforcement authorities. During this period, they are eligible to receive support regardless of their legal status, or their ability or willingness to cooperate in criminal proceedings.

Residence permit on the grounds of serious personal hardship - All victims of trafficking may submit an application to the cantonal migration authorities for a residence permit on the grounds of serious personal hardship at any time. Cooperation with law enforcement authorities is not required. Criteria for consideration include serious impairments to health, the impossibility of social (re)integration in Bulgaria or the risk of re-trafficking.

B) ACCESS TO RIGHTS, SUPPORT AND PROTECTION

Right to information - Upon detecting a trafficked person, law enforcement authorities inform them about the benefits and possibilities of Victim's Help. If the victim of trafficking agrees, they are referred to a specialised NGO or a victim's counselling centre where they receive more detailed information on victim's rights and available support options.

Right to counselling and material support - During the recovery and reflection period, trafficked persons are entitled to support regardless of their cooperation with law enforcement authorities. This includes free confidential counselling, with translation assistance if needed, as well as further support such as temporary accommodation, transportation, medical and psychological care, limited legal support and possibly special safety measures.

Right to compensation - Trafficked persons are entitled to claim compensation for **material and non-material** damage (pain and suffering) even if there are no criminal proceedings. Victim counsellors inform trafficked persons about their right to claim compensation and support them in the procedures

Recommendations on victim's protection

FIRST CONTACT AND CRISIS INTERVENTION

Calm the person and build trust, clarify the victim's needs and what kind of support they need. Determine the next steps together with the victim.

FOCUS ON EMOTIONAL STABILITY

SAFE ACCOMMODATION IN A SHELTER

Provide a secure environment, basic supplies and care. Provide tailored protective measures. Support the victim in regaining control over their life.

FOCUS ON SAFETY AND SECURITY

RISK ASSESSMENT

Assess the risk, regularly involving the victim in the process. Analyse information and develop a risk management plan to prevent harm, abuse or re-trafficking.

FOCUS ON SELF-PROTECTION

INFORM THE VICTIM ABOUT THEIR RIGHTS

Make sure the victim understands their rights incl. the right to a recovery and reflection period. Support them in the decision-making process regarding cooperation with law enforcement.

FOCUS ON RIGHTS

3. Support to trafficked persons willing to cooperate with law enforcement authorities

A) RESIDENCE PERMITS

If the victim is willing to cooperate and law enforcement authorities decide to open criminal proceedings, they can apply for a **short-term residence permit** with the migration office of the competent canton. The purpose of the short-term permit is to ensure that the victim is available for questioning in the process of criminal investigations.
A work permit can be issued for the duration of the short-term residence permit under certain conditions.

As long as the trafficked person is required as a witness in criminal proceedings, their residence permit may be extended. Once the proceedings are over or law enforcement authorities no longer require the victim's presence, continued residence is not guaranteed. Victims must be prepared that they may lose their right to remain in Switzerland (see above for the possibility to submit an application for a **residence permit on the grounds of serious personal hardship).**

B) ACCESS TO RIGHTS, SUPPORT AND PROTECTION

If victims choose to cooperate with law enforcement authorities, they are supported throughout the investigation and criminal proceedings, which may last several months or years.

The victim stays on in a safe accomodation and receives ongoing support by specialised NGOs or victim counselling centres to adapt to daily life or work in Switzerland. Support is generally provided for 180 days and can be extended upon request by law enforcement authorities. Support is financed by the cantonal Victim's Help and/or competent Social Assistance Services.

The specialised NGO or victim's counselling centre describes the steps of the proceedings, the roles and duties of the police and public prosecutor, and explains the victim's rights, obligations and risks connected to filing a claim.

Victim's Note!	Cooperation with law enforcement is a stressful period for the victims. They must repeatedly share their experience of exploitation and violence when questioned by the authorities. The **risk of re-traumatisation** is high.

Right to information - Victims receive information about the **course of the criminal proceedings**, including information about any court order enforcing or cancelling remand in custody or in the event of the flight of the accused.

Participation rights - To exercise the right to participate in criminal proceedings, victims have to constitute themselves as a private claimant. As a **private claimant**, the victim may bring a **criminal action** and/or a **civil action,** i.e. as a party to the proceedings and can claim additional procedural rights. If a private claimant brings a civil claim that is based on

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the criminal offence in the criminal proceedings, they are exempted from procedural costs and have under certain conditions the right to free legal representation (cf. right to legal aid).

Victim's Note!

The presence of the defendant in the same room can be **extremely distressing** for traumatised victims. Alternative measures such as video transmission between the courtroom and another room where the defendant makes their statements need to be considered. Chance encounters between the parties, e.g. in the corridors of official buildings, must be avoided.

Protection rights - In criminal proceedings protection rights apply irrespective of whether the victim joins the public prosecution as a private claimant or not. However, the victim must **expressly refer to these rights**, such as the right to be accompanied by a personal confidant and a legal counsel during criminal investigations or at court hearings, to avoid encounter or confrontation with the presumed perpetrator, to request closed court hearings, and not to have their identity disclosed by authorities and media. Minors and victims of sexual exploitation have additional special rights.

Victim's Note!

The right to be accompanied by a **personal confidan**t has proved to be very important for trafficked persons as they often do not know people in Switzerland they can trust. Families and friends are likely to be far away. The confidant, often the counsellor of the specialised NGO, accompanies the victim during police or prosecutor questioning.

Right to legal aid - If the presence of a lawyer is required to defend the victim's rights and the civil action in the framework of criminal proceedings has a prospect of success, free legal representation is provided to all victims of trafficking who lack financial resources from the moment the victim joins the public prosecution as a private claimant.

Right to compensation - Victims can claim compensation for **material and non-material damage** in criminal proceedings. If they do not participate as private claimant, they are questioned as a witness and can only be reimbursed for loss of income and expenses generated as a result of their involvement as a witness.

The Witness Protection Program - The national witness protection unit at the Federal Office of Police **(fedpol)** ensures extra-procedural witness protection to persons outside of the actual proceedings and after a trial has ended. It is applied if a witness is endangered due to their involvement in criminal proceedings. Requirements for entering this programme are very high.

TRANSNATIONAL COOPERATION ON PROTECTION AND SAFE RETURN FROM SWITZERLAND TO BULGARIA

1. Non-assisted return

Not every identified trafficked person in Switzerland is ready to accept victim support or return assistance. Often Bulgarian victims prefer not to speak to a counsellor. **Fear of the perpetrators**, distrust and **fear of exposure to the authorities** (in Switzerland or Bulgaria), as well as **fear of losing the limited agency** they still have, prevent trafficked persons from accepting victim support.

Victim's Note!	It is essential that the first point of contact (police, social workers, field workers etc.) in Switzerland provides potential victims with information about available governmental and non-governmental victim support services. Victims may remember the information they were given and contact a victim assistance organisation at a later point in time.

2. State-assisted return – Swiss Federal Return and Reintegration Assistance

Victims and witnesses of trafficking who wish to return to Bulgaria can benefit from Swiss Federal Return and Reintegration Assistance. The service is organised by the **International Organization for Migration (IOM)** in collaboration with Swiss and Bulgarian organisations, particularly regarding risk assessment and reintegration. Both state and non-state actors can refer the victim to this service.

Beneficiaries and eligibility – In order to be eligible, victims and witnesses of trafficking must be **without means**, must have a **secure legal status** in Bulgaria, and must wish to return **voluntarily.** Furthermore, there must be clear indications of human trafficking or attempted trafficking.

Before applying, it is mandatory that the trafficked person receives return counselling through the cantonal Return Counselling Services (RCS) or the specialised NGO FIZ Advocacy and Support for Migrant Women and Victims of Trafficking.

Services of the Federal Return Assistance

- Information on rehabilitation and reintegration possibilities in Bulgaria
- Facilitation of the exchange of information on risk assessment
- Organisation of the return journey in cooperation with the competent canton and Swiss REPAT/IOM
- Reception assistance and safe transportation to the final destination
- Financial start-up assistance of CHF 1,000 per adult and CHF 500 per minor

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- Additional in-kind assistance of up to CHF 5,000 for a reintegration project
- Medical return assistance (e.g. medication, referral to a rehabilitation program) for up to six months
- Reintegration assistance and follow-up support.

Preparations for return and risk assessment - The return preparation requires intensive collaboration and communication between Swiss and Bulgarian institutions and the victim.

Risk Assessment is a crucial part of the return preparation. It analyses not only the current and future risks for the victim from the perpetrators, but also the risks arising from their current and future social circumstances and vulnerability. The aim is to reduce the **risk of re-trafficking** and other forms of abuse by collecting relevant data on the victim's overall situation. If a return to Bulgaria is too dangerous, the specialised NGO or victim's counselling centre, authorized by the victim, may submit an application for a Swiss **residence permit on the grounds of serious personal hardship** (see above).

Victim's Note!	Trafficked persons tend to have specific questions and worries concerning the situation in Bulgaria after return. In support of their return preparation and in order to build trust, it is highly recommended that IOM Bern or the counsellor in Switzerland offers to **organise a phone or Skype conversation** between the returnee and a representative of IOM Sofia or the local partner organisation that is in charge of receiving the returnee in Bulgaria.

Organisation of the return journey - Once all clarifications have been made (risks, place of return, medical needs, reintegration possibilities, etc.), IOM organises the return journey in cooperation with all partners in both countries.

Reintegration assistance -Through Swiss Federal Return and Reintegration Assistance, the victim is granted:

- **Initial cash assistance** to cover daily expenses after return
- **In-kind assistance** for a reintegration project (vocational training, housing, small business, legal assistance, etc.)
- **Medical assistance**

The aim of reintegration assistance is to provide the victim with a sustainable perspective and reduce the risk of re-trafficking. The reintegration plan can be discussed with the return counsellor in Switzerland but is finalized and implemented after return in Bulgaria, with the support of IOM Sofia and its partner organisation(s) within the *National Referral Mechanism*. After the implementation of the reintegration project, IOM Sofia or its partner organisation conducts a monitoring visit.

Victim's Note!

Often victims of trafficking cannot start a project such as a professional training immediately after return as they first need to stabilise. This is why **reintegration assistance may be requested up to one year after the return** with the assistance of IOM Sofia or their Bulgarian partner organisation.

3. NGO-assisted return

Not every trafficked person is eligible or willing to return through the government's federal return and reintegration assistance. In this case, the specialised NGO or the victim counselling centre offers to organise a safe voluntary return in collaboration with a specialised Bulgarian NGO. If the victim agrees, the Swiss NGO identifies a possible receiving organisation in Bulgaria to which they provide the relevant information about the case and make sure that the trafficked person travels safely and is supported on arrival.

If the trafficked person is not ready to engage with an NGO in Bulgaria, the Swiss counsellor provides them with the contact details of a Bulgarian NGO that they can independently turn to at a later stage.

Note!

More information on anti-trafficking actors in Switzerland and in Bulgaria as well as on existing protective measures for trafficked persons in both countries described shortly in this document can be found in the full version of the "Swiss Bulgarian Bilateral Guidelines for Identification, Protection and Referral of Trafficked Persons" published on the websites of Animus Association Foundation (www.animusassociation.org) and FIZ Advocacy and Support for Migrant Women and Victims of Trafficking (www.fiz-info.ch).

The following institutions took part in the elaboration of these Guidelines:
Animus Association Foundation, National Commission for Combating Trafficking in Human Beings, Ministry of Interior and Ministry of Labour and Social Policy from Bulgaria and FIZ Advocacy and Support for Migrant Women and Victims of Trafficking, fedpol, KSMM and IOM Bern from Switzerland.

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PROTECTION, SUPPORT AND REINTEGRATION OF VICTIMS OF TRAFFICKING IN BULGARIA RETURNING FROM SWITZERLAND

1. Identification of trafficked persons in Bulgaria

The human trafficking problem does not end with the victim's return to Bulgaria. Trafficked persons face new challenges – to recover and avoid the risk of re-trafficking. **The National Mechanism for Referral and Support of Trafficked Persons in Bulgaria** (NRM) regulates the support provided to victims. It distinguishes between **formal** and **informal identification.**

Informal identification is performed by police officers, social workers, helpline counsellors, volunteers, field workers, experts at the NCCTHB and others. It gives victims **immediate access to support services** and programmes. Victims of trafficking identified in Switzerland do not need to undergo extra identification to obtain access to support and assistance programmes.

Formal identification is performed by the pre-trial proceedings authorities and aims at launching investigation and criminal proceedings. It is a prerequisite for victims to exercise some of their rights such as involvement in the criminal proceedings and constitution as a civil claimant and/or private prosecutor; obtaining financial compensation and special protection. Even if a person has been identified as a victim of trafficking in Switzerland, they must be formally identified in Bulgaria once again **if they would like to take part in criminal proceedings** and seek compensation.

An **interview** upon arrival at the airport is conducted by a police officer **with the victim's consent.** It determines whether the crime of human trafficking has been committed and whether the person in question is a victim of trafficking. It is not evidence and may not be used in pre-trial proceedings. Before the interview victims have to be informed that talking to a police officer is not related to any criminal proceedings.

2. Protection and support to trafficked persons in Bulgaria regardless of their cooperation with law enforcement authorities

A) ACCESS TO RIGHTS, SUPPORT AND PROTECTION

Right to information - Once in Bulgaria, some victims want to go home to their families as soon as possible and refuse to be accommodated in a crisis centre. The responsible social workers and police officers inform them of their rights such as the right to a recovery and reflection period, to safe accommodation and psychosocial assistance, to compensation and to non-punishment for crimes they have been compelled to commit in a situation of trafficking.

Access to support services – All victims of trafficking are entitled to immediate and unconditional short-term support during the recovery and reflection period of 30 days in specialised centres for trafficked persons from the moment they have been identified in the country of destination or immediately upon their return to Bulgaria. Women (and children) can stay in a crisis centre up to 180 days regardless of whether they cooperate with law enforcement authorities or not.

Victim's Note!

Access to short-term services is free but victims rarely contact service providers on their own initiative. More often the Swiss support organisation, police, IOM or another institution that has identified or takes care of the victims refers them to existing services in Bulgaria.

Recommendations on victim's protection

CRISIS INTERVENTION UPON RETURN

Build trust and help the person to adapt to the reality they tried to escape. Find out the internal and external resources and strengths for coping. Inform about the next steps and available possibilities.

FOCUS ON EMOTIONAL STABILITY

SAFE ACCOMMODATION IN SHELTER

Provide a secure environment, basic supplies and care. Help the victim to re-connect with their families (if safe) and prepare them for autonomous life.

FOCUS ON SAFETY AND SECURITY

RISK ASSESSMENT

Assess long-term risks. Consider the victim's point of view, the information provided by the Swiss support organisation, local organisations, police, and local state social services.

FOCUS ON SELF-PROTECTION

INFORM THE VICTIM ABOUT THEIR RIGHTS

Inform the victim about their special rights in Bulgaria. Make sure that the victim understands how they can benefit from them.

FOCUS ON DECISION MAKING

Continued support for victims returning from Switzerland to Bulgaria is provided by **IOM** as part of the Federal Return Assistance whether or not they have been formally or informally identified and regardless of their decision for or against cooperation in detecting the crime. The return assistance and post-shelter programmes provide various services as well as material benefits financed through Switzerland's federal return assistance.

3. Support for victims of trafficking who agree to cooperate with the authorities

A) ACCESS TO RIGHTS, SUPPORT AND PROTECTION

Access to support services - Victims who have been formally identified and take part in criminal proceedings are entitled to an extended stay in specialised shelters for the duration of the criminal proceedings. The special status is granted by a prosecutorial decree upon a request filed by the victim.

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B) PROTECTION AND RIGHTS IN PRE-TRIAL PROCEEDINGS

If there are legal grounds and sufficient data that a crime has been committed, **pre-trial proceedings** are initiated *ex officio* by the prosecutor or upon a signal by an interested party (the victim, their relatives etc.). Trafficking in human beings is a publicly actionable offence, which means that the state, i.e. **the prosecutor's office,** must investigate it. Victims of trafficking assist the competent authorities through their testimonies which **often constitute the main evidence in the trial.** This is why **victims are subjected to numerous interrogations** to clarify circumstances of the case.

Victims of trafficking who decide to cooperate with the Bulgarian authorities in the detection of the crime are entitled to specific rights to protect them against further victimization and assisting them as witnesses in criminal proceedings.

Right to information - The Criminal Procedure Code expressly requires pre-trial proceedings authorities to inform victims of their rights in criminal proceedings as well as of their right to be notified of the progress of criminal proceedings.

Right to a recovery and reflection period - The recovery and reflection period of **30 days** during which victims may not be interrogated starts with the launch of pre-trial proceedings. Psychological and social support and legal counselling is provided by crisis centres and shelters so that victims can make an informed decision about whether to cooperate with the authorities in the detection of the crime.

Access to legal aid - Victims who have agreed to cooperate with the authorities are entitled to a free legal aid counsel to represent them in pre-trial proceedings if:

- **They avail of no means;**
- **They wish to have a legal counsel; and**
- **The interests of justice so require.**

An attorney registered with the **National Bureau for Legal Aid** represents victims before the investigating and judicial authorities to ensure that their specific rights as victims of trafficking are respected. Trafficked persons may be interrogated before a judge in the course of pre-trial proceedings to avoid another interrogation in court.

Free legal counselling is also provided by lawyers with international and non-governmental organisations. In exceptional cases victims may be also accompanied by a psychologist during the pre-trial proceedings.

4. Support to trafficked persons in Bulgaria who are participating in court proceedings

A) ACCESS TO RIGHTS, SUPPORT AND PROTECTION

Long-term integration measures are taken with the victim's consent after expiry of the recovery and reflection period or of the accommodation period in a crisis centre/shelter. Victims who need additional follow-up support are accommodated in the **Centre for Subsequent Reintegration of Victims of Trafficking** (at NCCTHB) for long term empowerment.

Long-term support for victims returning from Switzerland with **a personal reintegration assistance project** financed by the **Swiss Federal Return and Reintegration Assistance**

is organised and coordinated by IOM with the support of relevant local organisations.

As envisaged in the NRM, long-term support may include psychotherapeutic work for overcoming the symptoms of post-traumatic stress, social counselling and advocacy, building social skills, vocational training, restoring victims' social and health insurance rights as well as medical examinations, consultations and treatment, support for resolving various family problems and enhancing victims' parenting capacity.

Ensuring access to available **public social services in the community** not specialised for trafficked persons is an important part of the long-term work with victims.

B) PROTECTION AND RIGHTS IN COURT PROCEEDINGS

Usually victims take part in judicial proceedings only as witnesses – they are not a party to the proceedings unless they expressly wish to be constituted as private prosecutors and/or civil claimants. To this end they file an application at the latest by the launch of the judicial inquiry in the first-instance court (before evidence is appraised).

- **Civil claimant –** as such, victims file a civil action seeking compensation for material and non-material damage inflicted by the traffickers. The civil action is "attached" to the criminal proceedings.
- **Private prosecutor –** trafficked persons may get involved in the proceedings on the part of the prosecution by requesting to be constituted as a private prosecutor. The private prosecutor has an accusatory function.

Access to legal aid - Trafficked persons are entitled to a free legal aid counsellor to represent them in court.

Victims in their capacity as both civil claimants and private prosecutors need a lawyer to protect and guarantee respect for their rights. Lawyers take part in the judicial proceedings, seek to secure victims' civil actions, become acquainted with the case and make extracts as required, furnish evidence, make requests, notes and objections and challenge acts of the court that violate victims' rights and legitimate interests.

Victim's Note!	Defendants in criminal proceedings are considered innocent until proven guilty. In the course of criminal proceedings their goal is not "to prove" their innocence but rather to question the prosecutor's allegations. This makes victims' participation in court very difficult. Their testimony may be challenged or disregarded in a rude and degrading manner. Even if a victim has a legal representative, the legal procedures can be painful and traumatising. Thus, one of the lawyer's main tasks is to prevent as far as possible the re-traumatisation of victims in court.

Right to compensation - The right to compensation in Bulgaria is linked to the criminal proceedings and may be effected in several ways:

- Financial compensation **for material and non-material damage paid by the perpetrator** may be sought **in the framework of the criminal proceedings.**
- It is possible to file a claim for compensation for **material and non-material damage** to be paid by the **perpetrator** in separate **civil proceedings.**
- Under the **Crime Victim Assistance and Financial Compensation Act** victims may receive **compensation,** but only for **material damage and only after criminal proceedings have been completed.** The Fund compensates amounts up to BGN 10,000 (€ 5,000).

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Switzerland

FIZ Advocacy and Support for Migrant Women and Victims of Trafficking with specialised shelter, counselling and support programme
FIZ Makasi
http://www.fiz-info.ch
Phone: +41 (0)44 436 90 00
Email: contact@fiz-info.ch

Federal Office of Police (fedpol)
Division National Crime Prevention
Swiss Coordination Unit against Trafficking in Persons and Smuggling of Migrants (KSMM)
http://www.ksmm.admin.ch
Phone: +41 (0)58 463 57 02
Email: stab-ksmm@fedpol.admin.ch

Federal Office of Police (fedpol)
at the Federal Department of Justice and Police (FCP)
www.fedpol.admin.ch
Phone: +41 (0)58 463 11 23

International Organisation of Migration – IOM Bern
http://www.ch.iom.int
Phone: +41 (0)31 350 82 11
Email: iombern@iom.int

Bulgaria

Animus Association Foundation
www.animusassociation.org
Phone: + 359(0)2 983 52 05
Email: animus@animusassociation.org and crisiscentre@animusassociation.org

Transit Centre for Victims of Trafficking – 24/7
Phone: +359 (0)2 983 38 55
Phone: +359 (0)878 670 574
Email: crisiscentre@animusassociation.org

National Commission For Combating Trafficking in Human Beings (NCCTHB)
www.antitraffic.government.bg
Phone: +359 (0)2 807 80 50
Email: office@antitraffic.government.bg
Specialised shelters for temporary placement and centres for support of Victims, including Crisis Centre for Children and Shelter for long-term reintegration – 24/7

Ministry of Interior
Directorate General Combating Organized Crime, sector Trafficking in Persons
www.mvr.bg
Phone: +359 (0)2 982 83 63
Email: gdbop@mvr.bg

Directorate General Border Police
www.mvr.bg
+359 (0)2 983 18 65
Email: nsgp@mvr.bg

International Organization for Migration – IOM Sofia
www.iom.bg
Phone: +359 (0)2 93 94 774
Email: iomsofia@iom.int

HELPLINES

Switzerland

FIZ Advocacy and Support for Migrant Women and Victims of Trafficking counsels, protects and identifies victims of trafficking

+41 (0)444 36 90 00

The Geneva-based Centre Social Protestant (CSP) gives legal advice

(0)800 20 **(0)800 20 80 20**

ACT 212 invites the public to report potential cases of THB

+41 (0)840 21 22 12

Bulgaria

The National Helpline for Survivors of Violence
(run by Animus Association Foundation)

+359 (0) 2 981 76 86 or
+359 (0) 800 1 86 76 (toll free from Bulgaria)

The Bulgarian National Helpline against Human Trafficking
(run by A21 campaign Foundation)

+359 (0) 800 20 100

The National Helpline for Children

116 111

OIM Sofia

+359 (0) 2 939 47 77

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